

SENATE BILL REPORT

SB 5524

As of February 3, 2009

Title: An act relating to vehicle impoundment notice requirements.

Brief Description: Modifying vehicle impoundment notice requirements.

Sponsors: Senators Rockefeller and Marr.

Brief History:

Committee Activity: Transportation: 2/03/09.

SENATE COMMITTEE ON TRANSPORTATION

Staff: Janice Baumgardt (786-7319)

Background: At the time of impoundment, a registered tow truck operator (operator) providing towing service must immediately give notification to a law enforcement agency (law enforcement) via phone or radio, who must maintain a log of these incidents. Law enforcement is required to provide the operator with the name and address of the legal and registered owners (owners) of the vehicle, the vehicle identification number, and other necessary pertinent information within six to 12 hours. When an abandoned vehicle is towed, the tow truck operator must file an abandoned vehicle report with the Department of Licensing (Department). The Department must provide the operator with owner information within 72 hours.

Within 24 hours of an impoundment, the operator must send by certified mail, with return receipt requested, a notice of custody and sale to the owners. An impounded abandoned vehicle must be sold at public auction if it is not redeemed within 15 days of mailing the notice. If a person believes that his or her vehicle has been impounded in violation of state law, the person has a right to a hearing district or municipal court to contest the impoundment. Requests for a hearing must be made in writing and received by the appropriate court within ten days of the date the opportunity was provided and more than five days before the date of the auction.

Summary of Bill: Law enforcement must provide the telephone number to the requesting operator within six to 12 hours of an impoundment. The Department must provide the operator with the name, address, and telephone number of the owner. If the notification of impoundment to the owner is returned to the operator as undeliverable, the operator must

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attempt to contact the owner, at least three times during a 48 hour period, using the phone number provided by the Department.

Requests for hearings must still be made within ten days of the date the opportunity was provided, but the requirement they be made more than five days before the date of the auction is eliminated.

Impounded abandoned vehicles must be sold at public auction if they are not redeemed within 15 days of receipt of the notice of custody and sale or within 15 days of the final attempt to contact the owner by telephone.

The owner of a vehicle that has been sold at auction may bring a cause of action against and recover damages from the operator if the impoundment was improper or the operator failed to comply with the notice provisions. If the owner is successful in his or her action, the owner is not liable for any towing, storage, or other charges.

Appropriation: None.

Fiscal Note: Requested on January 27, 2009.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.